

United States Court of Appeals  
For the Eighth Circuit

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No. 16-1848

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United States of America

*Plaintiff - Appellee*

v.

Maurice Malone, also known as Tito

*Defendant - Appellant*

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Appeal from United States District Court  
for the Northern District of Iowa - Dubuque

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Submitted: October 14, 2016

Filed: October 19, 2016

[Unpublished]

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Before SMITH, BENTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Maurice Malone appeals the sentence the district court<sup>1</sup> imposed after revoking his supervised release. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

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<sup>1</sup>The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.

The district court did not abuse its discretion. *See United States v. Merrival*, 521 F.3d 889, 890 (8th Cir. 2008) (substantive reasonableness of revocation sentence is reviewed under deferential abuse-of-discretion standard). The within-Guidelines-range sentence was not substantively unreasonable, and the court considered the 18 U.S.C. § 3553(a) factors. *See United States v. Petreikis*, 551 F.3d 822, 824 (8th Cir. 2009) (applying presumption of substantive reasonableness to revocation sentence within Guidelines range); *United States v. Miller*, 557 F.3d 910, 917 (8th Cir. 2009) (under substantive-reasonableness test, district court abuses its discretion if it fails to consider relevant § 3553(a) factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing factors).

The judgment is affirmed, and counsel's motion to withdraw is granted.

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